ONLINE EDUCATIONAL CHOICE

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### LIVING IN A WORLD OF EDUCATIONAL CHOICE

Utah strongly embraces the value of having educational options.

These options allow parents the opportunity to have greater influence in selecting an educational program to meet their student's unique needs.

Virtual and/or online education options are becoming popular across the United States as well as in Utah.

Utah has a wide variety of online options that are available to all students irrespective of disability.

# LETTER TO BARNES 41 IDELR 35 DECEMBER 18, 2003

"States must provide students with disabilities from 3 to 21 FAPE and that FAPE includes identification and evaluation of children with disabilities, IEPs and the provision of special education services in the LRE, together with the procedural safeguards."

"The IDEA statute and its corresponding regulations do not make any exceptions to these requirements or allow States to waive or relax these requirements for virtual schools." OSEP stressed

## UTAH'S VIRTUAL/ONLINE OPTIONS EXPAND OPPORTUNITIES FOR ALL UTAH STUDENTS

1 - online courses

2 - online programs

3 - virtual schools

## **ONLINE COURSES**

Electronic High School – USOE

Online courses available through student's LEAs

Online courses available through other Utah LEAs

#### **USOE ELECTRONIC HIGH SCHOOL**

http://www.schools.utah.gov/edtech/Electronic-High-School.aspx

http://www.schools.utah.gov/ehs/

EHS offers open-entry/open-exit classes for Utah students at no cost to Utah students or schools. Students work with their local school counselor to select the desired classes. Credit earned at EHS can be used for credit recovery, original credit and credit acceleration.

NEWS July 2, 2013 EHS had a major setback getting contracts awarded to EHS teachers. The soonest EHS will be able to contract for teachers is the end of July. Classes are not able to start until teachers are under contract.

#### USOE ELECTRONIC HIGH SCHOOL CON'T

#### **EHS is NOT a Quick Fix**

Letter-grade, quarter credits

Each EHS class, when completed successfully, generates one-quarter (0.25) of high school credit. All classes generate letter grades to be added to the student's transcript. Students need to work closely with their teacher to earn the letter grade they expect. EHS does NOT offer pass/fail credit for any class. As soon as the proctored final test is taken and passed, the final grade earned in the class is sent to the student's school of record here in Utah as an official quarter credit.

Acceleration, remediation, graduation

Most EHS students take classes from EHS to make-up failed quarter classes or to accelerate their graduation from their local high school. The Electronic High School grants diplomas to a very restricted group of Utah students: those who are home-schooled exclusively, those who have dropped out of school and their class has graduated, and district referrals. Students admitted to the EHS graduation track need 24 credits to earn a diploma with a minimum of 25% of the credits being earned at EHS. The EHS does not grant diplomas to non-Utah students.

## UTAH'S STATEWIDE ONLINE EDUCATION PROGRAM

Established by the Utah Legislature in 2011

Only available to High School students

All providers are Utah LEAs

Available to Utah students enrolled in LEAs, private schools or home school

This program continues to evolve – details available at:

http://www.schools.utah.gov/edonline/default.aspx

## TOTALLY VIRTUAL SCHOOLS

**Virtual Charter LEAs** 

Online Schools part of Utah LEAs

Must be accredited

Serve full time students and are able to grant diplomas

## STUDENTS WITH DISABILITIES

Students are eligible to enroll irrespective of disability (or ELL for that matter)

Provision of FAPE might be different in virtual/online setting

IEP team should carefully consider any differences in student needs

IEP developed for a brick and mortar setting might not be appropriate in virtual/online setting

What about the blended setting

# QUILLAYUTE VALLEY (WA) SCH. DIST. 49 IDELR 293 (OCR 2007)

The district as the school's operator was found guilty of discrimination when it improperly denied admission to student's with disabilities.

The school refused to provide certain accommodations to SWD

Limited students to 40 hrs / wk of specialized instruction

Refused paraeducator support, counseling, tutoring, modified curriculum and extended time for course completion

The school excluded students who had a documented inability to complete assignments independently or were unable to read and write at the 6<sup>th</sup> grade level

# QUILLAYUTE VALLEY (WA) SCH. DIST. 49 IDELR 293 (OCR 2007)

Management contract did not relieve the district of its duty to the SWD

"Public education programs may not directly or through contractual or other arrangements, use methods of administration that have the effect of subjecting disabled students to discrimination on the basis of disability. A public school district that operates a school directly or under a management services agreement is responsible for establishing and maintaining methods of administration to ensure that the school complies with Section 504 and Title II."

# OHIO VIRTUAL ACADEMY (OHIO SEA FEB. 3, 2012)

#### Among other things, the school:

- failed to provide an IEP adequate in its services, description of specialized services, scope and details;
- did not follow proper procedures in its adoption of the IEP from the prior school district, and
- services on the continuum and the LRE were significantly different upon enrollment at the school and warranted a new IEP or at a minimum a PWN articulating major changes to the student's plan.

### THOUGHTS FOR CONSIDERATION

May the student's IEP team determine that online/virtual placement is not appropriate for a particular student?

Is there a difference result when the student is:

- a) Virtual / online school as part of an LEA
- b) Virtual / online school as an LEA in and of itself
- c) Virtual / online courses supplementing a traditional program

WHAT CHANGES MIGHT BE NECESSARY FOR A
STUDENT WITH AN IEP WRITTEN FOR A
TRADITIONAL PROGRAM WHO WANTS TO
PARTICIPATE IN VIRTUAL / ONLINE EDUCATION

???????

# MAY A VIRTUAL / ONLINE SCHOOL OR PROGRAM DETERMINE THAT A STUDENT RECEIVE SPECIAL EDUCATION SERVICES THROUGH ANOTHER LEA

#### Consider whether:

- a) School is a virtual LEA
- b) School is part of a traditional district LEA or a traditional charter LEA
- c) Courses are taken through a virtual / online program provided by a Utah Public LEA

#### **SHARING FAPE**

Who is responsible for FAPE when students are attending both a traditional LEA (district or charter) and an online program?

What about home school or private school students enrolled in online courses through a Utah public LEA?

What happens if a parent (or adult student) is dissatisfied and wants to exercise their right to the dispute resolution provisions of the procedural safeguards in the IDEA and Utah Special Education Rules?

#### WEIGHING THE BENEFITS AND DRAWBACKS

#### NASDSE - PROJECT FORUM

Flexible scheduling may be beneficial

Shifts significant responsibility to parents and a much more active role in their child's education

Digital curriculum and activities must be accessible to all students irrespective of disability or ELL

Consideration of any necessary assistive technology

Roles and responsibilities of teachers, students and parents

Educational services across state lines

Implementation of IEPs

**Evaluation of Sped virtual teachers** 

Ensuring flexibility in virtual curriculum

Parent training in supporting online learning

#### WEIGHING THE BENEFITS AND DRAWBACKS

#### NASDSE - PROJECT FORUM CON'T

Potential advantages for students struggling with social and behavioral problems triggered by busy social settings such as regular classrooms for extended periods of time.

Ongoing virtual feedback between teacher and student /parent

Self-paced curriculum

Ability to create online portfolios

Lack of peer distractions and conflict

Potential for cost-cutting

Special education is often an afterthought

AT such as screen readers, audio transcribers which are high-bandwidth applications requiring powerful internet connection at home

## CENTER ON ONLINE LEARNING AND SWD OCTOBER 2012

Principal Investigators of the recently established Center have identified significant concerns in 9 broad areas:

- 1. <u>Complaints:</u> Reports of complaints and dispute resolutions are emerging as parents and others express serious concerns about how SWD are served in online learning environments.
- 2. <u>Inconsistent Policies:</u> Ambiguity and variability exist in cross-state and cros-district funding, policies, and roles and responsibilities for providing sped and related services to SWD in online environments.
- 3. <u>Accessibility and Universal Design:</u> Preliminary inspection of widely adopted online environments reveals major gaps in basic accessibility for SWD. Equally concerning is the general lack of instructional design and the specific lack of universal design for learning options. As some states have begun to include online learning as a graduation requirement, this poses a significant civil rights issue.

## CENTER ON ONLINE LEARNING AND SWD OCTOBER 2012 CON'T

- 4. <u>Teacher Training</u>: Preparation for teaching online courses is often minimal even for regular education teachers. The special preparation in the unique competencies required to provide online instruction to SWD is often totally absent.
- 5. <u>Monitoring and Accountability</u>: No national data are available to demographically describe the SWD engaged in online learning (e.g., socioeconomic status, types of disabilities, age/grade levels) thus there is no way to monitor their progress, proportionality and outcomes.
- 6. Reasons for Placement: Educators and policy makers presently have little knowledge of why SWD (and their parents) choose to engage in online learning (with the possible exception of students involved in credit recovery activities). Some have raised concerns that online learning is being adopted as the least effortful alternative.

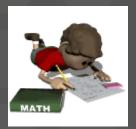
## CENTER ON ONLINE LEARNING AND SWD OCTOBER 2012 CON'T

- 7. Social and Emotional Supports: Educators and policy makers have insufficient information about whether and how online service providers address the nonacademic and social-emotional aspects of sped in online learning.
- 8. <u>Lack of Guidance</u>: No guidelines exist to determine whether an online learning environment is truly the LRE for SWD.
- 9. <u>Inequities</u>: A digital divide (e.g., access to bandwidth infrastructure and devices) remains in many communities throughout the U.S., and the extent to which this divide affects access for SWD is unknown.

www.centerononlinelearning.org



## THANK YOU!!!



The USOE appreciates all you do for Utah's students.



















